SINGLE BENCH

30.4.04

IN THE HIGH COURT OF CHHATTISGARH

AT BILASPUR.

Writ Petition No.3593./2006

Petitioner : Bodhan Singh Thakur
S/o Late Shri Banmali Singh Thakur
abed about 64 Years, Retired Head
Master (Education Department)
R/o Phooljharia para Sarangarh
Tahsil- Sarangarh,
Distt.- ~~Sarangarh~~ Raigarh (C.G.)

P.R. No. 3562/06
Presented by Shri Sanjay Behar
dated 13/11/06

Versus

Respondents : 1. The State of Chhattisgarh
Through its Secretary School
Education Department
D.K.S. Bhawan, Raipur (C.G.)

2. Joint Director, Treasuries , Account &
Pension Bilaspur Division
Bilaspur (C.G.)

3. District Treasury Officer
District Raigarh (C.G.)

4. Block Development Education
Officer, Tahsil- Sarangarh,
Distt.- ~~Sarangarh~~ Raigarh (C.G.)

OATH COMMISSIONER APARNA MALVIYA CG/07/3990 12/07/07 Bilaspur Chhattisgarh

RECEIVED-COPY 13/11/06 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICAL 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, ORDER AND DIRECTION ETC.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP/...3503... **सन्** 2006

(23)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17-7-2006 Shri Sameer Behar, counsel for the petitioner. Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents, on advance copy. Heard both the counsel. By the instant petition, the petitioner has prayed for a direction to the respondents not to deduct the amount as mentioned in the impugned order Annexure-P/1 and it has further been prayed that the order Annexure-P/1 be quashed. The case of the petitioner is that he was working as Head Master at Government Middle School, Navin, Tehsil Saranggarh, District Raigarh and he demitted the office on attaining the age of superannuation on 30th April 2004. Thereafter, all of a sudden, without seeking any explanation or informing the petitioner, the order Annexure-P/1 was passed by respondent Deputy Director (Pension) by which it has been shown that an amount of Rs.1,51,161/- has been paid in excess to the petitioner and same is liable to be deducted from the pension of the petitioner. Learned counsel for the petitioner submitted that without giving any opportunity to the petitioner and without seeking any explanation as to how that amount is outstanding against the petitioner and how the petitioner has drawn excess amount, respondents, all of a sudden, passed the impugned order. From the petition, it appears that the petitioner against this order has not raised any objection to the concerned authority and asked for allowing him to represent against the order. In the circumstances, counsel for the petitioner submitted that the petitioner may be allowed to make a representation to respondent No.2	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

(24)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश –2–	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and he be directed to decide the same to which learned counsel for respondents has no objection.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, and without expressing any opinion on the merits of the case, the petitioner is allowed to make a detailed representation along with copy of this petition to respondent No.2 within a period of 10 days from today and in turn, respondent No.2 is directed to decide the representation of the petitioner within a period of 30 days from the date of receipt of the representation, considering the objection raised by the petitioner; the petitioner should be made aware about the excess amount withdrawn by him which is liable to be recovered from the petitioner and after giving opportunity to the petitioner to explain about the amount said to be due against the petitioner, pass appropriate order, in accordance with law. Till then, the recovery should not be effected from the petitioner.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. Nos.2691/2006 and 2692/2006 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve

19.7.06

P.T.O.